

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE A. PAPILLION, Sr.,

Plaintiff,

CIV S-05-0708 CMK

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

ORDER

Defendant.

On August 23, 2006, this court filed an order striking plaintiff's motion for summary judgment from the record for failure to comply with the scheduling order. (Doc. 25.). The court granted plaintiff forty-five days to file a motion for summary judgment which complied with the requirements set forth in the scheduling order.

On August 31, 2006, plaintiff filed a motion for summary judgment, and on September 5, 2006, plaintiff filed a request for oral argument on his motion for summary judgment. The court has reviewed plaintiff's August 31, 2006 motion for summary judgment. Plaintiff's motion is, at best, inartfully drafted. It appears, however, that plaintiff has satisfied the requirements set forth in the scheduling order; he has provided a summary of the

///

///

1 administrative proceedings, the relevant medical evidence, the Commissioner's findings, and he
2 argues that the Commissioner failed to properly consider all his symptoms in her finding that
3 plaintiff was not disabled.

4 Accordingly, IT IS ORDERED that:

5 1. The Commissioner shall file an opposition or cross-motion to plaintiff's
6 August 31, 2006 motion for summary judgment within 60 days of this order.
7 2. Plaintiff's request for oral argument is denied without prejudice.

8
9 DATED: September 12, 2006.

10 
11 CRAIG M. KELLISON
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26